

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 05-1849 JH
)	
DENNIS WILSON, et al.,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION *IN LIMINE* CONCERNING OPINION TESTIMONY

COMES NOW the United States of America, by and through David C. Iglesias, United States Attorney for the District of New Mexico, and James R.W. Braun, Assistant United States Attorney for said district, and hereby responds to defendant Dennis Wilson's "Motion *in limine* Concerning Opinion Testimony."

In his motion, Wilson asks the court to enter an order excluding all opinion testimony – both lay and expert – from the United States' case-in-chief in this matter. Apparently in the alternative, Wilson also asks the court to require the United States "to articulate the necessity and justification for any lay opinions it plans to offer...." (Def. Mot. at p.1). Because Wilson offers absolutely no basis for these requests, his motion should be summarily denied. *See* D.N.M.LR-Cr. 47.7 ("A motion, response or reply must cite authority in support of legal positions advanced").

Moreover, pursuant to the Second Order Setting Deadlines and Declaring Case

Complex, entered in this matter on August 24, 2006, the United States is not required to produce a summary of expert witness testimony until 45 days prior to trial, which is scheduled for April 10, 2007. The scheduling order also provides that motions *in limine* are to be filed at least 30 days prior to trial. Thus, after the United States has provided the defense with notice of any expert witnesses it intends to call at trial and a summary of their testimony pursuant to the scheduling order, the defense will be able to file motions *in limine* regarding the admissibility of the testimony of specific expert witnesses. Therefore, specifically with regard to expert witnesses, Wilson's motion should also be denied as premature.

WHEREFORE, the United States requests that the court deny Wilson's "Motion *in limine* Concerning Opinion Testimony."

Respectfully submitted,

DAVID C. IGLESIAS
United States Attorney

ELECTRONICALLY FILED

JAMES R.W. BRAUN
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, New Mexico 87103
(505) 346-7274

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed on this 3rd day of November 2006 to the following counsel of record:

Joe Romero, Jr., and Jody Neal-Post, Attorneys for Dana Jarvis
John F. Robbenhaar, Attorney for Ayla Jarvis
Jason Bowles, Attorney for George Ripley
Zubair Aslamy, Attorney for David Reid
Kari Converse, Attorney for Greg Hill
Martin Lopez III, Attorney for Geno Berthod
D. Penni Adrian, Attorney for Russell Trujillo
Stephen D. Aarons, Attorney for Matthew Hotthan
Timothy Padilla, Attorney for Manuel Gil
Kirtan Khalsa, Attorney for Sam Jones
Ann Steinmetz, Attorney for Mary Cannant
Robert Cooper, Attorney for Adrian Sanford
Gregory D. D'Antonio, Attorney for Benjamin Swentnickas
Robert Gorence, Attorney for Dennis Wilson
Charles S. Aspinwall, Attorney for John Nieto
Roberto Albertorio, Attorney for Lloyd Montoya
John Samore, Attorney for Melania Kirwin
Kenneth A. Gleria, Attorney for Holly Bruner
Todd B. Hotchkiss, Attorney for Dakota Fitzner
Rudolph B. Chavez, Attorney for Rafal Mistrzak
Scott M. Davidson, Esq.

/s/ James R.W. Braun

JAMES R.W. BRAUN
Assistant U.S. Attorney